

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**DARNELL W. MOON,**

Petitioner,

Case No. 3:19-cv-01371-JE

v.

**JOSIAS SALAZAR,** Warden,

OPINION AND ORDER

Respondent.

**MOSMAN, J.,**

On April 9, 2020, Magistrate Judge John Jelderks issued his Findings and Recommendation (“F&R”) [ECF 25], recommending that I dismiss without prejudice Petitioner Darnell Moon’s Amended Petition for Writ of Habeas Corpus [ECF 13]. No objections were filed.

**LEGAL STANDARD**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

*Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review of the F&R, I agree with Judge Jelderk's analysis and conclusions. Therefore, I ADOPT his F&R [25] in full. I DISMISS without prejudice Petitioner's Amended Petition for Writ of Habeas Corpus [13].

IT IS SO ORDERED.

DATED this 29 day of April, 2020.

*Michael W. Mosman*  
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MICHAEL W. MOSMAN  
United States District Judge